

Minutes of the Taxicab Advisory Group (TAG)

April 27, 2010 - 2:30 PM

140 W. Flagler Street, Room #908

Members Present:

Les Eisenberg	PSC Principal
Diego Feliciano	License Holder
Jerry Moskowitz	PSC Principal
William Samek, Ph.D.	Consumer/Chairperson
Monica Beltran	MIA Representative
Ilene Hyams	Office of ADA Coordination Representative
Robert Singer	Consumer

Members Absent:

Eugenio Rivas	Driver Representative
Fred Wong, Jr.	Seaport Representative
Dawood Akhtar	Chauffeur
Rolando Aedo	Visitor Industry Representative

Staff Present:

Joe Mora	Director, PTRD
David Iglesias	Legal Advisor
Steven Bobes	AO3, PTRD
Ivan Cotayo	Taxi Stand Coordinator
Bridgette Newsome	Secretary, PTRD

Dr. Samek called the meeting to order, and welcomed everyone. He asked if there were any corrections, amendments or additions to the minutes of the meeting held on 2/16/10. Mr. Moskowitz said that on page 3, Mr. Les Eisenberg made a motion and he was not sure that was what Mr. Eisenberg said. Mr. Eisenberg said he wanted to modify the statement. His statement was, "That the technology as described in the matrix be adopted without the cameras, on a voluntary basis, but incentivized by offering all for-hire license holders who adopts that technology, the opportunity to do so with full transferability of their medallions, to a qualified person without the requirement that they be a taxicab chauffeur." Mr. Moskowitz then made a motion to accept the minutes; Ms. Beltran seconded and it was unanimously approved.

Mr. Moskowitz requested information on recently passed legislation which would affect the taxi industry. He said that Mr. Feliciano knew about the subject matter and could provide more information. Mr. Feliciano stated that a certain Commissioner sponsored a Resolution in Dade County and in Tallahassee, and that a State Representative sponsored the item. He heard of it and helped sponsor an amendment to stop and/or change the Resolution; however, the legislation passed (HB 1271), which states that Dade County, under certain circumstances, may operate demand service vehicles. He inferred that Staff had knowledge of the Bill and did not advise TAG. He later apologized stating that he felt CSD should have known about the Resolution.

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Mr. Mora said that staff's only knowledge of HB1271 was a proposed amendment that preempted the owner-driver system and allowed transferability across-the-board to anyone.

Mr. Moskowitz asked when and how would the taxi industry be affected.

Mr. Eisenberg said that it was a large transportation bill and language was added that would permit the County, after a referendum, a one percent (1%) sales tax to go towards providing on-demand transportation. This service is not for disabled or senior citizens. Mr. Eisenberg said when he got wind of the Bill, he negotiated to strike certain language and insert the language regarding preemption.

Mr. Mora clarified that staff did not participate in the formation of HB1271.

Chauffeur of the 1st Qtr. of 2010: Mr. Moskowitz nominated 1-2 as Chauffeur of the 1st Quarter of 2010. Ms. Beltran seconded. All agreed with the nomination.

Taxi Stands Update: Mr. Mora stated that since the last report, one 2-car stand was created at the Grand Beach Hotel on Collins Avenue; one 10-car stand created at the University of Miami facility (operational Thursday thru' Saturday from 9:00 pm to 3:00 am). One 2-car stand was created at the Hamilton Inn in Homestead and one 4-car stand was created on Washington and Lincoln, replacing the 3-car stand which was closed due to construction. There are now a total of 174 taxi stands with 429 spaces, excluding MIA and Port of Miami. Regarding temporary stands, Mr. Mora said that those were created during special events such as Super Bowl Media Day, Super Bowl Sunday, the Miami Beach International Boat Show, the American Academy for Dermatology and the 2010 Sony Ericsson Open. Mr. Eisenberg asked if anyone had any idea how to get taxi drivers from the Airport to utilize taxicab stands. Mr. Gilberto Hernandez suggested that staff use the plan recommended by Dr. Mundy in the Taxicab Study; that of alternating cabs at the Airport. Someone mentioned a problem with the newly created 4-car stand on Washington and Lincoln, stating that the stand was on the wrong corner, since patrons had to cross the street to instead of walking to the corner. M. Cotayo explained why that particular stand was at that location and said the City was aware of the situation.

Service Animal Ordinance: Mr. Mora said that on April 20, 2010, Commissioner Sally Heyman introduced an amendment to the service animal ordinance; this will address refusal to transport an individual with a service animal. This stemmed from an incident on 3/16/10 on Miami Beach when someone from Channel 10 and a Miami Beach resident with a service animal, stood at the corner and hailed a taxicab. Several cabs passed but failed to stop. Mr. Mora stated that the proposed amendment would increase the fines and penalties. He referred to a letter in the package sent to the PSCs, reminding them of County and State regulations.

Ms. Hyams commented that this problem is experienced all over the Country. Mr. Mora said that the public hearing would be held on 5/11/10 and the BCC Hearing on 6/3/10. Mr. Eisenberg made a motion that CSD increase its enforcement efforts and not recommend passing the amendment proposed by Commissioner Heyman. This was seconded by Mr. Feliciano.

Ms. Hyams said that she would like a separate ordinance to specifically address service animals since the current ordinance did not address that issue.

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Mr. Eisenberg further amended the motion to move Ms. Heyman's ordinance but with the existing fines and increase enforcement by doing sting operations. Mr. Feliciano said that it would be prudent to check what action has been taken in other cities. The motion passed with one abstention. Mr. Mora reiterated that the public hearing was on 5/11/10.

Letter – Selling Jobs from Dispatcher: Mr. Mora reported that during one of the GOC meetings, Commissioner Martinez expressed concern that some dispatchers were selling jobs to drivers. He requested staff to provide legislation that prohibits the practice. This was provided and in addition, a letter was sent to all PSC companies reminding them that such practice was a violation of the Code. PSCs present indicated that if and when that happened, action had been taken to stop it.

Technology without Dispatch: Mr. Mora reminded the Group that in February, a matrix was presented regarding new technology to be adopted. He said that staff felt that the consensus reached at the meeting, which required installation of credit card machine in taxicabs, was the most important requirement at this time and in a meeting with the Aviation Consumer Advocacy Work Group, one of their priorities was to have all cabs that enter the Airport equipped with credit card capability. This was also echoed in a meeting with the Downtown Hotel Advisory Group on March 29, 2010. Staff presented a draft ordinance requiring that all taxicabs have credit card capability and programmed with the flat rates. Mr. Iglesias, the Legal Advisor explained that the two components of the ordinance requires that (1) each taxicab meter would have to be altered to give printed receipts and programmed with the flat rates. There would be a period of 180 days for implementation; and (2) the ordinance would require that FHL holders install credit card processing systems in the rear of each taxicab. The system must be linked to a global positioning system (GPS) with touch screen capability, and there would be no added charges for the use of the credit card. Mr. Eisenberg asked about charges for the drivers and Mr. Iglesias said that if there is a charge, the driver must pay for it.

Dr. Samek said that any extra charges could be paid by the driver, the PSC, advertising, etc. Mr. Eisenberg he did not think the driver should have to pay anything because that would give him no incentive to accept credit cards. However, he stated that the permit holder would be willing to pay if they were allowed the incentive of transferability. Mr. Moskowitz, said the person who owned the vehicle should be responsible for installing the equipment and if the permit holder had to install the equipment, he should be given the incentive of transferability. Mr. Singer said he also felt that the person who owned the vehicle should be responsible for installing the equipment.

Mr. Eisenberg asked the few drivers present if they believed that if drivers had to pay 5% for passengers to use credit cards, if they the drivers would discourage passengers from using their cards. One driver replied in the affirmative. Mr. Eisenberg then said that given the answer, staff should look for a different solution.

Mr. Mora said staff was looking into recommendations such as granting full transferability, cab fare increase, looking into vehicle ownership, and not mandatory requirement.

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Mr. Cohen said that using credit cards could generate bigger tips for drivers and that advertising could pay for the credit card charges; however, drivers should be educated in that regard. During discussions, Mr. Mora explained that the document was a draft and still in review. Some drivers expressed resistance in paying for credit card usage. One owner/driver, Mr. Puente, praised credit card use but said that all cabs should not be mandated to have credit card equipment.

Mr. Eisenberg made a motion that CSD's proposed ordinance not only excludes the customer from paying a surcharge but exclude the taxicab driver from having to pay a surcharge for the use of a credit card. Further, that it is voluntary and that the incentivization for doing it, is to make all license holders have full transferability of their medallions as an incentive to take on this responsibility; which responsibility would be for them to be the merchant, as well as provide the equipment and the cost of maintaining it. Mr. Moskowitz seconded the motion and it was unanimously approved.

TAG Membership: Mr. Mora said there were three positions on the TAG that must be filled. One was the taxicab chauffeur with no interest in a medallion. The position was being advertised over a 30-day period and individuals were invited to submit their resumes to CSD. The others positions were the PSC Principal, Mr. Moskowitz, whose term expires in 2010 and the Representative of the Office of ADA Coordination. Mr. Mora stated that the term of the PSC principal could be extended for three years; he also extended the invitation to anyone interested in the position to submit resumes to the CSD.

Dr. Samek said that four members were absent at this meeting and also at the special meeting and he inquired about their status. Mr. Mora said he would advise them at the next meeting. He said that Mr. Khalid Salahuddin has replaced Mr. Fred Wong, who is on medical leave.

A driver said that the position of taxicab chauffeur with no interest in a medallion was a very important position in respect of the cab driver who is the backbone of the industry; and the person should be selected because of his ability, knowledge, experience and what he can do on behalf of the cab drivers. Dr. Samek asked him if he knew of anyone in the meeting who was capable. He said he had submitted his resume the last time. Dr. Samek encouraged him to apply again and attend the meeting.

There being no other business, the adjournment was moved and seconded.

CHAUFFEUR NOMINATIONS
January - March 2010
1st Quarter

Nomination #1-1

CR original application 10/11/2002

Citations 5 (4 Paid and 1 Not Guilty after hearing) – Complaints 0

In a telephone call to the Consumer Services Department a passenger called to commend (the nominee) for providing excellent customer service. The passenger left a camera after exiting the taxi at Terminal B at Miami International Airport. Driver was able to locate the passenger and return the item.

Nomination #1-2

CR original application 06/15/2001

Citation(s) 1 Paid – Complaints 1

In an e-mail submitted to the Consumer Services Department, the customer wrote:

Dear Mr Bobes,

Thank you for calling me back so quickly.

I am the director to EF International Language Schools located at 2469 Collins Ave, Miami Beach, FL. One of our new students from Russia got into a cab somewhere in South Beach and was dropped off at the Grand Beach Hotel at 4835 Collins Avenue, Miami Beach, FL 33140-2751. When he got out of the cab, he left behind a bag with his passport, student visa, cellular phone and credit cards inside.

When the driver looked in the bag, he saw the passport with the visa which has the name and address of our school. He came to the school and dropped everything off with our receptionist. This morning, when I told he student we had his bag, he could not stop hugging and kissing me. He was so happy.

As I told you on the phone, I run a staff of 20+ people, at a school with and average of 350 to 400 students per week, and what I always tell them is that the most important thing we can do for our customers is to give a damn. And this driver does. He gave a damn about the person and took the time to come here and drop the bag. He has saved this young man, who barely speaks any English, an amazing amount of trouble. The closest place for him to replace his passport is Washington DC and let's not even talk of the nightmare it would be to get his visa and credit cards replaced.

I hope my report will help you find this driver and recommend him for some sort of recognition. In a city not famous for customer service, this driver is a bright spot that deserves recognition

Thank you for your attention

Ana van Gilst
School Director
EF Miami
2469 Collins Ave
Miami Beach - FL - 33140

Nomination #1-3

CR original application 08/20/1987
Citation(s) 8 Paid – Complaints 0

In a letter to the Consumer Services Department the customer wrote:

I am the concierge at the Intercontinental West Miami in Doral, Florida and I would like to comment on the honesty of taxi driver (the nominee). On January 27th, 2010 we called for a taxi to Miami International Airport for one of our guests. The gentleman was going to Haiti to assist with the earthquake relief. Upon arrival at the airport the gentleman realized he left his briefcase with his laptop, passport, and an undisclosed amount of American currency. He immediately called me and asked me if there was any way I could assist him in retrieving the briefcase. As soon as I hung up the phone, (the nominee) was walking into the hotel with the briefcase seeking to know if there was any way that I could contact the guest. I immediately called the guest to let him know, and he asked me to express his gratitude for his kindness. It is amazing how there are still some very honest people in this world and a gentleman like (the nominee) gives a great reputation not only to (the cab company) but to the City of Miami.

Best regards,

Rodrigo Vivas
Intercontinental West Miami

Nomination #1-4

CR original application 11/14/1986
Citation(s) 2 Paid – Complaints 0

In a nomination form submitted to the Consumer Services Department, the passenger wrote:

Customer Service: I left my computer in the car. The driver returned it to me the next day. He had actually tried to contact me the evening before.

Nomination #1-5

CR original application 12/06/1988

Citation(s) None – Complaints None

In an e-mail submitted to the Consumer Services Department, the passenger wrote:

Subject: Recommend a taxicab driver for a Chauffeur of the Quarter award

Hello,

I would like to recommend (nominee) for chauffeur of the quarter award. We had a family cruise trip down to Florida last weekend. I had confused the port and arrived at Miami but needed to go to Port Canaveral. (the nominee) had a excellent and professional driving for my family. We arrived at Port on time and really appreciate the efforts he made for us.

We want to thank him for his outstanding service. The contact information I remembered is only name (name) and registration number (number). Is there anyway his contact address can be provided to us? Thanks.

Regards,
Wei Ye
765-6589393

Nomination #1-6

CR original application 08/20/1999

Citation(s) 8 Paid – Complaints 0

Dear Mr. Bobes,

On Sunday, February 21st, we were in Miami planning to board a cruise ship the next day. After an evening out, I accidentally left my ID holder in Mr. Rios' cab. Included in it was my driver's license, credit card, health card, & medications card with emergency phone numbers. What impressed me with Mr. Rios service was his persistence in getting my ID back to me. He made numerous calls to the numbers on the meds card. He called my home phone # in Ohio and left a message. He then called my sister (who hung up on him the first time thinking it was a prank call) several times until he was able to get in contact with me. He then called us at our hotel and drove to our hotel and hand delivered my ID holder a half an hour before we boarded our cruise ship. I can hardly express my level of gratitude for this employee of your city. I believe Mr. Rios should be commended for providing such a high level of customer service. Thank you for your time.

Sincerely,

Carla Bowyer
1510 Superior St.
Genoa, OH 43430
(419) 855-4709

MEMORANDUM

Agenda Item No. 4(L)

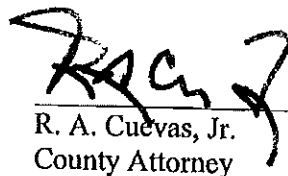
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 20, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to for-hire
motor vehicles; amending
Chapter 31 of Code to provide
that no chauffeur shall refuse or
neglect to transport any person
traveling with a service animal

The accompanying ordinance was prepared and placed on the agenda at the request of
Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 20, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(L)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(L)
4-20-10

ORDINANCE NO. _____

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES;
AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA, TO PROVIDE THAT NO CHAUFFEUR
SHALL REFUSE OR NEGLECT TO TRANSPORT ANY
PERSON TRAVELING WITH A SERVICE ANIMAL;
PROVIDING FOR DEFINITION OF SERVICE ANIMAL,
PENALTIES, SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Chapter 31 of the Code of Miami-Dade County, Florida, is hereby
amended to read as follows:¹

Chapter 31

VEHICLES FOR HIRE

ARTICLE II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES

* * *

Sec. 31-92. Violations; penalties

(a) In addition to any other penalties provided by law,
including but not limited to those provided in this article, a
violation of any applicable provision of this article by a for-hire
license holder, registered passenger service company or registered
chauffeur shall constitute a civil offense punishable by the
applicable civil penalty as provided in the schedule of civil

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored
and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now
in effect and remain unchanged.

penalties in Section 8CC-10 of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, passenger service company registration, operating permit and chauffeur registration and all for-hire operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked. Provided however, if a person commits three (3) violations of Sections 31-82(j)(12) or 31-303(i)(4) or any combination thereof during any twelve-month period, such person's for-hire license, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked.>>Notwithstanding any provision to the contrary, if a person commits two (2) violations of Section 31-303(i)(23), such person's chauffeur's registration may be suspended for a period of up to six (6) months or revoked.<<

Section 2. Section 31-303 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 31-303. Chauffeur's Registration; all types.

(a) It shall be unlawful for any person to drive any for-hire vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to this section.

*

*

*

(i) Chauffeurs must abide by all rules and regulations applicable to chauffeurs and shall be subject to enforcement, violations and penalties contained in this chapter and Chapter 8CC of this Code. A chauffeur shall comply with the following regulations:

*

*

*

(4) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person regardless of race, sex,

religion, national origin, age or physical disability ~~[[including a seeing-eye dog]]~~ who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate.

* * *

>>(23) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person, including a service animal, who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate. As used in Chapter 31, the term "service animal" shall mean any guide dog, signal dog, or other animal, as defined in 28 C.F.R. § 36.104, individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
<<

Section 2. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Chapter 8CC

CODE ENFORCEMENT

Sec. 8CC-10. Schedule of civil penalties. The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC,

regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
	*	*
>>31-303(i)(23)	Refusal to transport passenger and service animal, for first violation	\$500.00
31-303(i)(23)	Refusal to transport passenger and service animal, subsequent violations<<	\$1000.00

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.


Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Commissioner Sally A. Heyman